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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,502	06/28/2000	Valerie Hansen	PRBU115349	8356

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EXAMINER

SUBRAMANIAN, NARAYANSWAMY

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,502

Applicant(s)

HANSEN, VALERIE

Examiner

Narayanswamy Subramanian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 18-27 and 32-36 is/are rejected.
- 7) ☒ Claim(s) 14-17, 28-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal brief filed on March 28, 2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-13, 18-27 and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli (US Patent 5,842,178) in view of Pool et al (US Patent 6,460,020 B1).

With reference to claims 1, 3, 18 and 32, Giovannoli teaches an arrangement comprising a plurality of agents connected to a network, said plurality of agents including at least one server, at least one buyer agent, and at least one seller agent (See Giovannoli Figure 1), a method for calculating price data, comprising: providing a browsable display describing at least one service

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and features for allowing a buyer associated with said buyer client computer to provide a request for quote (See Giovannoli Column 6 lines 38-54); receiving at least one request for quote from said buyer agent, wherein said request for quote includes a product specification data set (See Giovannoli Abstract and claim 1); transmitting the product specification data set to at least one seller agent (See Giovannoli Abstract, Column 2 lines 46-51 and claim 1); and receiving a price data set from said seller agent, wherein the price data set contains at least one quoted value, and wherein information in said price data set is responsive to the product specification data set (See Giovannoli Abstract, Column 5 lines 44-52). An article of manufacture comprising a computer-readable medium having computer-executable instructions for performing the above steps is inherent in the disclosure of Giovannoli.

Giovannoli does not explicitly teach the steps of receiving metric data from at least one source, wherein the metric data represents price data that is indicative of one or more market prices; generating at least one comparison value, wherein the comparison value is indicative of a ratio of the quoted value and at least one metric value derived from the metric data; and communicating at least one comparison value to at least one output.

Pool teaches the steps of receiving metric data from at least one source, wherein the metric data represents price data that is indicative of one or more market prices (See Pool Claim 3 and Column 5 lines 63-67, the exchange rate is a metric price data that is indicative of one or more market prices of the currency being exchanged); generating at least one comparison value, wherein the comparison value is indicative of a ratio of the quoted value and at least one metric value derived from the metric data (See Pool Column 5 line 60- Column 6 line 3, and Column 16

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lines 1-10, the comparison value is the price adjusted for the exchange rate); and communicating at least one comparison value to at least one output (See Pool Column 6 lines 37-42).

Both Giovannoli and Pool are concerned with the problem of facilitating transactions between buyers and sellers. It would have been obvious to one of ordinary skill in the art to modify Giovannoli to include the teachings of Pool. The combination of disclosures would have helped the buyer make a decision by having all the bids quoted in the same common currency.

With reference to claim 2, Pool teaches the step of communicating at least one comparison value to said buyer agent (See Pool Column 6 lines 37-42).

With reference to claims 4-12, 19-26 and 33-36, Giovannoli teaches the steps wherein the product specification data set includes a delivery date set at a future time (See Giovannoli Column 5 lines 53-57); receiving a buy notice from said buyer agent and transmitting a purchase order to at least one said seller agent (See Giovannoli Column 2 lines 46-51); receiving a plurality of product specification data sets from at least two buyer agents (See Giovannoli Claim 1) and combining said plurality of product specification data sets, thereby creating one request for quote (consolidating orders is old and well known in the art); wherein said product specification data set includes information related to a buyer, a grade, a quantity, a tally, a method of shipment, and a ship date (See Giovannoli Figure 7); wherein the product specification data set comprises a plurality of quantity values for a number of like commodity items having different size parameters, a description of at least one commodity item, and a description of a delivery method (See Giovannoli Figure 7); wherein said price data set includes information to identify a seller, a quote price, shipment, and payment terms (See Giovannoli Figure 8); wherein said price data set further includes an adjusted price and an adjusted quantity

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(See Giovannoli Figure 8, price adjusted for taxes is an adjusted price and quantity adjusted for delivered quantity is the adjusted quantity); further comprising receiving an additional price data set from the seller agent, wherein the additional price data is a result from a renegotiated price (Old and well known in the art); storing at least one comparison value in a database communicatively connected to the server (Old and well known in the art).

With reference to claims 13 and 27, Pool teaches the step wherein generating at least one comparison value includes the step of applying a metric transform to said price data set to create at least one comparison value (See Pool appendix 1)

Allowable Subject Matter

4. Claims 14-17 and 28-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

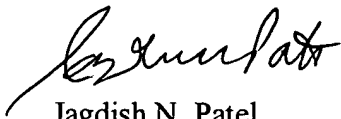
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (571) 272-6747. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N. Subramanian
August 17, 2005

A handwritten signature in black ink, appearing to read 'Jagdish N. Patel', is written over the printed name.

Jagdish N. Patel
Primary Examiner